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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT SEATTLE

6 JAMES LUNSFORD, as Personal
7 Representative of the Estate of Bonnie
8 Jean Asbury,
9 et al.,

10 Plaintiffs,

11 v.

12 BAYER CORPORATION,

13 Defendant.
14

Cause Number C03-3327R

REVISED ORDER SETTING TRIAL
& PRETRIAL SCHEDULES

15 Having reviewed the agreed motion of counsel and finding good cause, the court hereby
16 amends the trial and pretrial schedules as follows:

17 **DATES**

- 18 • A ten day jury trial will begin before Judge Rothstein or another
19 Judge in the Western District of Washington at 9:30 a.m. on **July 18, 2005**
- 20 • Expert witnesses of both sides shall be disclosed no later than **January 10, 2005**
21 Rebuttal witnesses of both sides shall be disclosed no later than **February 7, 2005**
- 22 • Mediation per CR 39.1(c)(3) held no later than **March 14, 2005**
23 and the mediation report shall be filed by **March 28, 2005**
- 24 • All discovery, including expert discovery, shall be completed **April 4, 2005**
25 and counsel shall file any discovery motions sufficiently in
26 advance of this date to permit the court to rule prior to the
close of discovery

ORDER

1 • All dispositive motions must be filed by **April 14, 2005**
2 and noted on the motion calendar no later than the fourth
3 Friday thereafter (see CR 7(d))

4 • An agreed pretrial order must be lodged and all motions **June 20, 2005**
5 *in limine* filed by
(Motions *in limine* are to be noted for the second Friday
6 after filing.)

7 • Trial briefs, proposed *voir dire*, proposed jury instruction
shall be filed on **July 5, 2005**

8 • A pretrial conference will be scheduled as the trial date approaches.

9 The dates set forth in this order may be changed only by order of the Court, not by agreement
10 of counsel or the parties. The Court will alter these dates only upon good cause shown: failure to
11 complete discovery within the time allowed is not recognized as good cause. If the trial date
12 assigned to this matter creates an irreconcilable conflict, counsel must notify the Deputy Clerk
13 and opposing counsel in writing within 10 days of the date of this Order, setting forth the exact
14 nature of the conflict. Failure to do so will be deemed a waiver. Counsel must be prepared to
15 begin trial on the date scheduled; however, it should be understood that the trial may have to
16 await the completion of other cases.

18 COOPERATION

19 As required by CR 37(h), all discovery matters are to be resolved by agreement if possible.
20 Counsel are further directed to cooperate in preparing the final pretrial order in the format required
21 by CR 16.1, except as ordered below.

23 EXHIBITS

24 The original and one copy of the trial exhibits are to be provided to the Court's Deputy on
25 the morning of trial. Each exhibit shall be clearly tagged and marked. Exhibit tags are available in
26 the Clerk's Office. The Court hereby alters the CR 16.1 procedure for numbering exhibits:

ORDER

1 plaintiff's exhibits shall be numbered consecutively beginning with 1; defendant's exhibits shall
2 be numbered consecutively beginning with the next number not used by plaintiff. Counsel shall
3 refrain from submitting duplicate exhibits: once a party has identified an exhibit in the pretrial
4 order, any party may use it. Each set of exhibits shall be submitted in a three-ring binder with
5 appropriately numbered tabs.

6 **SETTLEMENT**

7
8 Should this case settle, counsel shall notify the Deputy Clerk immediately. An attorney
9 who fails to give the Deputy Clerk prompt notice of settlement may be subject to such discipline as
10 the Court deems appropriate, pursuant to GR 3(b).

11 IT IS SO ORDERED this 10TH day of August 2004.

12
13 s/ Barbara Jacobs Rothstein

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BARBARA JACOBS ROTHSTEIN
15 U.S. DISTRICT JUDGE
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ORDER